



Docket No. 24180-124005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of Richards, et al.

Appln. No. ¹⁰/046,500

Filed: October 24, 2001

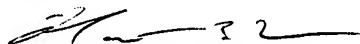
For: POLYPROPYLENE CONTAINER AND
PROCESS FOR MAKING THE SAME

)
) Examiner: Sandra M. Nolan

)
) Group Art Unit: 3727

)
) Certificate of Mailing

) I, hereby certify that this correspondence (along with any
) documents referred to as attached or enclosed) is being deposited
) with the US Postal Service as first class mail in an envelope
) addressed to: Commissioner for Patents, P.O. Box 1450,
) Alexandria, VA 22313-1450, on March 19, 2004.

)
) 
) _____
) Matthew E. Leno, Reg. No. 41,149

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In accordance with 37 CFR §§ 1.56, 1.97 and 1.98, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the patent application filed herewith. A copy of each reference cited is enclosed herein.

Applicants submit that this Information Disclosure Statement is being submitted along with the fee set forth in 37 C.F.R. §1.17(p). Accordingly, no certification is required for the consideration of the cited references.

Also, there is reserved the right to later set forth how the instant invention is distinguished over the disclosure of any reference or other art, including the disclosures of those references and other information discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

03/23/2004 RHAB11 00000131 130206 10046500
01 FC:1806 180.00 DA

In re Appln. of Richards, et al.
Appln. No. ¹⁰/046,500

The citation of the above documents and other information is not to be construed as an assertion that more pertinent art could not possibly be in existence.

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the enclosed Form PTO-1449 with initials or other appropriate remarks.

The Office Action mailed February 9, 2004, refused to review these, and other, references pursuant to 37 C.F.R. §1.97, 1.98 and MPEP 609 because they lack publication dates. As a result, references JA-JE of the Form PTO-1449 submitted on November 10, 2003, were not reviewed by the Office. Applicants resubmit herewith references JD and JE with publication dates. The publication dates of references JA-JC are not known.

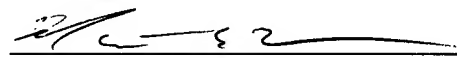
Please charge the fee due under 37 C.F.R. §1.17(p) to Deposit Account No. 13-0206.

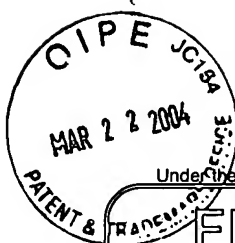
Respectfully submitted,

McDERMOTT, WILL & EMERY

Date: March 19, 2004

McDERMOTT, WILL & EMERY
227 West Monroe Street
Chicago, Illinois 60606-5096
Telephone: (312) 372-2000


Matthew E. Leno
Registration No. 41,149
Attorney for Applicant



Image

3727 \$

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

Complete if Known

| | |
|----------------------|------------------|
| Application Number | 10/046,500 |
| Filing Date | October 24, 2001 |
| First Named Inventor | Richards, et al. |
| Examiner Name | S. Nolan |
| Art Unit | 3727 |
| Attorney Docket No. | 24180-124005 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

13-0206

McDermott, Will & Emery

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | Extra Claims | Fee from below | Fee Paid |
|--------------------|--|--------------|----------------|----------|
| Total Claims | | -20** = 0 | X 18 | = 0 |
| Independent Claims | | -3** = 0 | X 86 | = 0 |
| Multiple Dependent | | | | |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | 180 |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180

SUBMITTED BY

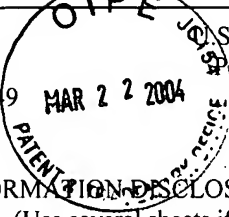
(Complete if applicable)

| | | | | | |
|-------------------|-----------------|-----------------------------------|----------------|-----------|----------------|
| Name (Print/Type) | Matthew E. Leno | Registration No. (Attorney/Agent) | 41,149 | Telephone | (312) 372-2000 |
| Signature | | Date | March 19, 2004 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

| | | | | | | | |
|--|----|--|--|-------------------------------|--|----------------------|--|
| (Rev. 5/92) Comparable to Form PTO-1449 | | U.S. Department of Commerce Patent and Trademark Office | | Docket No: 24180-124005 | | Appl. No. 10/046,500 | |
|  INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) | | | | Applicants: Richards et al. | | | |
| | | | | Filing Date: October 24, 2001 | | Group: 3727 | |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | |
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| | JD | Phillip T. DeLassus and Nicole F. Whiteman, "Physical and Mechanical Properties of Some Important Polymers", <u>Polymer Handbook</u> , 4th ed., pp. 159-169 (February 22, 1999). | | | | | |
| | JE | Ethylene Polymers, Vol. 6, <u>Encyclopedia of Polymer Science and Engineering</u> , Vol. 6, pp. 420-423 (1986). | | | | | |
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| | | | | | | | |
| Examiner | | | | Date Considered | | | |
| *Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | | | | |